

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

CARLOS RODRIGUEZ,  
Inmate No. 15968-054,  
Plaintiff,

v.

UNITED STATES OF AMERICA;  
BUREAU OF PRISONS; FCI  
JESUP MEDICAL STAFF; MS.  
WALKER; MR. COPPERSMITH,  
Defendants.

CIVIL ACTION NO.  
1:06-CV-1506-CAP

**ORDER**

Plaintiff has submitted the instant civil action<sup>1</sup> against Defendants in which he complains that he suffered a stroke due to the negligence of the medical staff at FCI Jesup. FCI Jesup is located in Jesup, Georgia, which is in the Southern District of Georgia.

A claim under the FTCA should be brought in the district where either the tort occurred or the plaintiff resides. 28 U.S.C. § 1402(b); Del Raso v. United States, 244 F.3d 567, 570 n.1 (7th Cir. 2001). As Plaintiff alleges events giving

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<sup>1</sup> Although Plaintiff filed the complaint on 42 U.S.C. § 1983 forms, he apparently seeks review of the Bureau of Prison's denial of his administrative tort claim pursuant to the Federal Tort Claims Act ("FTCA"), 28 U.S.C. § 2671 et seq.

**ATTEST: A TRUE COPY  
CERTIFIED THIS**

**JUL 13 2006**

Luther D. Thomas, Clerk  
By: *[Signature]*  
Deputy Clerk

rise to his claim occurred in the Southern District, the proper venue for this action is the Southern District.<sup>2</sup>

Pursuant to 28 U.S.C. § 1406(a), "[t]he district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it should have been brought." In deference to Plaintiff's pro se status, the Court finds that the interests of justice warrant transferring this case to the proper district.

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<sup>2</sup> To the extent that Plaintiff also raises a Bivens claim pursuant to 28 U.S.C. § 1331, the Southern District also would have venue over that claim. See 28 U.S.C. § 1391(b) (stating that venue in a civil action should be brought either in a district where a defendant resides or where a substantial part of the events or omissions giving rise to the claim occurred).

**IT IS THEREFORE ORDERED** that the instant civil action [Doc. 1] is **TRANSFERRED** to the **UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA, BRUNSWICK DIVISION**, along with all orders, motions, affidavits, pleadings and exhibits (if any) filed herein for further proceedings.

**IT IS SO ORDERED**, this 12<sup>th</sup> day of July, 2006.

/s/ Charles A. Pannell, Jr.  
CHARLES A. PANNELL, JR.  
UNITED STATES DISTRICT JUDGE